

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ASSET CO IM REST, LLC *et al.* :  
Plaintiffs, :  
: :  
: : 23 Civ. 9691 (JPC)  
-v- :  
: :  
GERALD "JERRY" KATZOFF *et al.*, :  
Defendants. :  
: :  
-----X

JOHN P. CRONAN, United States District Judge:

The declarations of Defendant Gerald Katzoff, Dkt. 51-1, and Brent M. Davis, Dkt. 51-2, submitted in opposition to Plaintiffs' motion for a preliminary injunction, do not conform to 28 U.S.C. § 1746. Each document provides that the declarant declares "pursuant to 28 U.S.C. § 1746." Dkts. 51-1 (capitalization removed), 51-2 (same). The Second Circuit has held, however, "that 28 U.S.C. § 1746 requires that a certification of the truth of a matter be expressly made under penalty of perjury." *In re World Trade Ctr. Disaster Site Litig.*, 722 F.3d 483, 488 (2d Cir. 2013). Neither of the declarations contains such language.

Defendants are accordingly ordered to refile these declarations to conform with Section 1746 by December 27, 2023.

SO ORDERED.

Dated: December 24, 2023  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge